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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/598,801	09/12/2006	Tamotsu Matsumura	72355	1544

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EXAMINER	
RODRIGUEZ, RUTH C	

ART UNIT	PAPER NUMBER
3677	

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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/598,801	MATSUMURA ET AL.	
	Examiner	Art Unit	
	RUTH C. RODRIGUEZ	3677	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *12 September 2006*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-14* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-14* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *12 September 2006* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☒ All b)☐ Some * c)☐ None of:

1.☒ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

Priority

1. Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

Information Disclosure Statement

2. The information disclosure statements (IDS) submitted on 12 September 2006 and 19 June 2008 have been considered by the examiner.

Claim Objections

3. Claims 1, 6 and 10 are objected to because of the following informalities:

- Claim 1 recites "(b/a)", "(hereinafter, referred to as "long radius")" and "(hereinafter, referred to as "short radius")". These terms are included in parenthesis. The presence of the parenthesis makes it unclear whether the terms included in the parenthesis are being recited as part of the claim or not. The parenthesis should be deleted in order to correct this deficiency and make clear that these terms are being recited as part of the claim.

- Claim 6 and 10 recite points "(p, c): (43 degrees, 10 degrees), (41 degrees, 14 degrees), (37 degrees, 23 degrees), (35 degrees, 33 degrees), (35 degrees, 36 degrees), (37 degrees, 42 degrees), (39 degrees, 42 degrees), (41 degrees, 36 degrees), (43 degrees, 24 degrees) and (44.7 degrees, 9 degrees)", '(p)" and "(c)". These terms are included in parenthesis. The presence of the parenthesis makes it unclear whether the terms included in the parenthesis are being recited as part of the claim or not. The parenthesis should be deleted in order to correct this deficiency and make clear that these terms are being recited as part of the claim.

Correction is required.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

5. Claims 1-14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Itzkowitz (US 5,713,219 A) in view of Kedem et al. (US 2005/0115275 A1).

Itzkowitz discloses an oval-cut diamond (10c,10d) comprising a columnar girdle (24c,24d), a crown provided above the girdle and having an octagonal table facet (12c, 12d) on a top of the crown and a pavilion provided below the girdle (Figs. 2c,2d,3c,3d, 4c and 4d). The girdle has an upper ridge between the crown and the girdle, a lower

ridge between the pavilion and the girdle and a contour line of a girdle cross-section, parallel to the table facet, being in an oval or oval-like shape (Figs. 2c,2d,3c,3d,4c and 4d). The diamond has a central plane, a straight central axis and eight-dividing planes (Figs. 2c,2d,3c,3d,4c and 4d). The central plane contains a long axis (running along the long side of the diamond) of the contour line and being a plane vertical to the table facet (Figs. 2c,2d,3c, 3d,4c and 4d). The straight central axis crosses vertically the table facet on the central plane (Figs. 2c,2d,3c,3d,4c and 4d). The eight-dividing planes are composed of the central plane, a plane containing a short axis of the contour line of the girdle cross-section and the central axis and planes dividing an angle around the central axis between the plane containing the short axis and the central axis and the central plane equally into two (Figs. 2c,2d,3c,3d,4c and 4d). The table facet has two opposite vertexes on the central plane and six vertexes symmetrical with respect to the central plane (Figs. 2c, 2d,3c,3d,4c and 4d). The crown has eight tetragonal crown main facets (18c that is between star face and upper girdle facet), eight triangular star facets (having one side shared with the table) and sixteen upper girdle facets (18c that has one side shared with the girdle) on a diamond circumference between the girdle upper ridge and the table facet. Each of the crown main facets is a tetragon having two opposite vertexes composed of a point, at which each of the eight-dividing planes crosses the girdle upper ridge and each vertex of the table facet, and other vertexes each owned jointly with each of two other crown main facets neighboring on the crown main facet (Figs. 2c,2d, 4c and 4d). Each of the star facets is a triangle having a bottom side coinciding with each side of the table facet and an opposite vertex coinciding with each

of the other vertexes jointly owned by two neighboring crown main facets each having a vertex at each end of the bottom side (Figs. 2c,2d,4c and 4d). Each of the upper girdle facets is a triangle or an oval sector having a bottom side coinciding with a side, whose end is on the girdle upper ridge, among sides of the crown main facets and a vertex on the girdle upper ridge (Figs. 2c,2d,4c and 4d). The pavilion has a bottom apex (22c,22d) at a lower end of the central axis and eight pavilion main facets (extending from 22c or 22d) and sixteen lower girdle facets (16c,16d) on the diamond circumference between the bottom apex and the girdle lower ridge (Figs. 3c,3d,4c and 4d). Each of the pavilion main facets is a tetragon or a part of a tetragon extending from the bottom apex toward a crossing point of each of the eight-dividing planes with the girdle lower ridge on the diamond circumference between the bottom apex and the girdle lower ridge, and having a side, whose end coincides with the bottom apex, jointly owned with each of two other pavilion main facets neighboring on the pavilion main facet (Figs. 3c,3d,4c and 4d). Each of at least seven pavilion main facets among the pavilion main facets is formed with opposite vertexes composed of a crossing point of each of the eight-dividing planes with the girdle and the bottom apex (Figs. 2c,2d,3c,3d,4c and 4d). Each of the lower girdle facets formed between the pavilion main facets and the girdle lower ridge is a triangle or an oval sector having a bottom side coinciding with a side having an end on the girdle lower ridge among sides of each of the pavilion main facets and a vertex on the girdle lower ridge (Figs. 3c,3d, 4c and 4d). Each of the lower girdle facets is disposed on each of both sides of each of the pavilion main facets (Figs. 2c,2d,3c,3d, 4c and 4d). The oval or oval-like shape formed

by the contour line of the girdle cross-section has a ratio of a short radius to a long radius, b/a, of 0.6 or more, in which a radius in a long axis direction of the shape is denoted as "a", and a radius in a short axis direction of the shape is denoted as "b" (Figs. 2c,2d,3c and 3d). Each pair of four pairs of pavilion main facets, of which each pair is composed of two pavilion main facets positioned opposite to each other with respect to the central axis, has two crown main facets facing the two pavilion main facets through the girdle, and the two pavilion main facets, the two crown main facets and the table facet have a common plane vertical to all of them within them (Figs. 2c,2d,3c,3d,4c and 4d). Itzkowitz fails to discloses that a circumscribed circle having a center on the central axis and circumscribing the contour line at an end of the long axis and that each of at least seven pavilion main facets among the pavilion main facets is formed with opposite vertexes composed of a crossing point of each of the eight-dividing planes with the circumscribed circle and the bottom apex. However, Kedem et al. teaches a diamond comprising a columnar girdle (52), a crown (50) provided above the girdle and having an octagonal table facet (55) on a top of the crown and a pavilion (70) provided below the girdle (Figs. 7-18). The girdle has an upper ridge between the crown and the girdle, a lower ridge between the pavilion and the girdle and a contour line of a girdle cross-section, parallel to the table facet, being in a square or square-like shape (Figs. 11 and 12). The diamond has a central plane, a straight central axis (running through 69), a circumscribed circle (103) and eight-dividing planes (105,106,107,108) (Figs. 7-18). The central plane contains an axis (running between opposite sides of the diamond) of the contour line and being a plane vertical to the table

facet (Figs. 7-18). The straight central axis crosses vertically the table facet on the central plane (Figs. 7-18). The circumscribed circle (103) has a center (at culet) on the central axis and circumscribing the contour line at an end of an axis (Figs. 8-10). The circumscribed circle provides enhanced brilliance and fire, as well as appearance of a table reflection (Paragraph 0068). The eight-dividing planes are composed of the central plane, a plane containing another axis of the contour line of the girdle cross-section and the central axis and planes dividing an angle around the central axis between the plane containing the another axis and the central axis and the central plane equally into two (Figs. 7-18). The table facet has two opposite vertexes on the central plane and six vertexes symmetrical with respect to the central plane (Figs. 7-18). The crown has eight tetragonal crown main facets (58), eight triangular star facets (21) and sixteen upper girdle facets (60,61,62,63,64,65,66,67) on a diamond circumference between the girdle upper ridge and the table facet. Each of the crown main facets is a tetragon having two opposite vertexes composed of a point, at which each of the eight-dividing planes crosses the girdle upper ridge and each vertex of the table facet, and other vertexes each owned jointly with each of two other crown main facets neighboring on the crown main facet (Figs. 7 and 10). Each of the star facets is a triangle having a bottom side coinciding with each side of the table facet and an opposite vertex coinciding with each of the other vertexes jointly owned by two neighboring crown main facets each having a vertex at each end of the bottom side (Figs. 7 and 10). Each of the upper girdle facets is a triangle or an oval sector having a bottom side coinciding with a side, whose end is on the girdle upper ridge, among sides of the crown main

facets and a vertex on the girdle upper ridge (Figs. 7 and 10). The pavilion has a bottom apex (69) at a lower end of the central axis and eight pavilion main facets (90,91,92,93,94,95,96,97) and sixteen lower girdle facets (76,77,78,79,80,81,82,83) on the diamond perimeter between the bottom apex and the girdle lower ridge (Figs. 8-10). Each of the pavilion main facets is a tetragon or a part of a tetragon extending from the bottom apex toward a crossing point of each of the eight-dividing planes with the girdle lower ridge on the diamond perimeter between the bottom apex and the girdle lower ridge, and having a side, whose end coincides with the bottom apex, jointly owned with each of two other pavilion main facets neighboring on the pavilion main facet (Figs. 8-10). Each of at least seven pavilion main facets among the pavilion main facets is formed with opposite vertexes composed of a crossing point of each of the eight-dividing planes with the circumscribed circle and the bottom apex (Figs. 9 and 10). Each of the lower girdle facets formed between the pavilion main facets and the girdle lower ridge is a triangle or an oval sector having a bottom side coinciding with a side having an end on the girdle lower ridge among sides of each of the pavilion main facets and a vertex on the girdle lower ridge (Figs. 8-10). Each of the lower girdle facets is disposed on each of both sides of each of the pavilion main facets (Figs. 8-10). Each pair of four pairs of pavilion main facets, of which each pair is composed of two pavilion main facets positioned opposite to each other with respect to the central axis, has two crown main facets facing the two pavilion main facets through the girdle, and the two pavilion main facets, the two crown main facets and the table facet have a common plane vertical to all of them within them (Figs. 10-12). Therefore, it would have been

obvious to one having ordinary skill in the art at the time the invention was made to have the circumscribed circle having a center on the central axis and circumscribing the contour line at an end of an axis and that each of at least seven pavilion main facets among the pavilion main facets is formed with opposite vertexes composed of a crossing point of each of the eight-dividing planes with the circumscribed circle and the bottom apex as taught by Kedem et al. in the diamond of Itzkowitz. Doing so, enhances the appearance of the diamond since the circumscribed circle provides enhanced brilliance and fire, as well as appearance of a table reflection.

From the combination of Itzkowitz and Kedem et al., Itzkowitz discloses that the central axis is disposed in a center of the long axis of the contour line of the girdle cross-section and the circumscribed circle in accordance with the teachings of Kedem et al. will circumscribe the contour line at both ends of the long axis just like it circumscribes the contour line at the corners of the diamond of Kedem et al.

Each of the pavilion main facets has opposite vertexes composed of a crossing point of each of the eight-dividing planes with the circumscribed circle and the bottom apex as taught by Kedem et al. in Figure 10.

Itzkowitz discloses that each of the pavilion main facets has a substantially equal pavilion angle to the table facet (Figs. 2c,2d,3c,3d,4c and 4d).

A crown main facet as discloses by Itzkowitz that each of the pavilion main facets has the substantially equal pavilion angle faces through the girdle has a substantially equal crown angle to the table facet (Figs. 2c,2d,3c,3d,4c and 4d).

The girdle has a substantially equal girdle height around a whole circumference of the girdle (Figs. 2c,2d,3c,3d,4c and 4d). Six pavilion main facets excluding two pavilion main facets extending in a long axis direction from the bottom apex and lower girdle facets are disposed between two neighboring pavilion main facets among the six pavilion main facets have adjusting facets between a respective facet and the girdle lower ridge having a larger angle to the table facet than the pavilion angle and forming a ridge between the respective facet and each of the adjusting facets (Figs. 2c,2d,3c,3d, 4c and 4d).

From the combination of Itzkowitz and Kedem et al., Itzkowitz discloses at least seven pavilion main facets have opposite vertexes composed of a crossing point of each of the eight-dividing planes with the girdle and the bottom apex have a substantially equal pavilion angle to the table facet (Figs. 2c,2d,3c,3d,4c and 4d) and when combined with the circumscribed circle that is taught by Kedem et al. the opposite vertexes composed of a crossing point of each of the eight-dividing planes with the circumscribed circle and the bottom apex will have a substantially equal pavilion angle to the table facet. Especially since Kedem et al. also teaches that the pavilion angles to the table facet for the pavilion main facets also have a substantially equal pavilion angle to the table facet as seen in Figures 11 and 12.

The contour line of the girdle cross-section parallel to the table is oval (Figs. 2c, 2d,3c,3d,4c and 4d).

Itzkowitz and Kedem et al. fails to disclose that the contour line of the girdle cross-section parallel to the table is in a shape of two oval sectors crossing each other

or that the contour line of the girdle cross-section parallel to the table is in a shape of three oval sectors crossing each other. However, it would have been obvious to one having ordinary skill in the art at the time of Applicant's invention to have the contour line of the girdle cross-section parallel to the table is in a shape of two oval sectors crossing each other or that the contour line of the girdle cross-section parallel to the table is in a shape of three oval sectors crossing each other by providing a diamond in the shape of a marquise cut or a pear cut since it is extremely old, well known, readily apparent and profoundly obvious to change the size, **shape**, orientation, angles, percentages, and create ranges for facets and the gemstone in its entirely as to merely alter the aesthetics of said gemstone for the corresponding and resulting properties including brilliance, radiance, etc. for the utility of mere user preference. It is also extremely well known that altering said features will produce different properties radiating from said gemstone, depending on the changes and alterations made. Therein, once again, lies the pertinence behind such, as no unexpected result, viewed by one skilled in the art; will occur, with any of the above possible changes or alterations to any given gemstone.

6. Claims 6 and 10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Itzkowitz in view of Kedem et al. as applied to claims 4 and 9 above, and further in view of Kawabuchi et al. (US 2003/0154741).

Itzkowitz and Kedem et al. fail to discloses that a pavilion angle to the table facet each of the pavilion main facets has and a crown angle to the table facet each of the crown main facets has are in a region surrounded by lines connecting points (p, c): (43

degrees, 10 degrees), (41 degrees, 14 degrees), (37 degrees, 23 degrees), (35 degrees, 33 degrees), (35 degrees, 36 degrees), (37 degrees, 42 degrees), (39 degrees, 42 degrees), (41 degrees, 36 degrees), (43 degrees, 24 degrees) and (44.7 degrees, 9 degrees) on a graph drawn with pavilion angles (p) in a vertical line and crown angles (c) in a horizontal line since Itzkowitz and Kedem et al. fail to disclose the values for the crown angles and the pavilion angles or that the values can be view on a graph. However, Kawabuchi et al. teaches that a cut design of diamonds (1) providing plenty of visual-perceptible reflection. The diamond comprises a columnar girdle (12), a crown (11,14,15,16) provided above the girdle and having an octagonal table facet (11) on a top of the crown and a pavilion (13,17,18) provided below the girdle (Figs. 1A-1C). The girdle has an upper ridge between the crown and the girdle, a lower ridge between the pavilion and the girdle and a contour line of a girdle cross-section, parallel to the table facet, being in a circle or circular-like shape (Figs. 1A-1C). The diamond has a central plane, a straight central axis (Z) and eight-dividing planes (21) (Figs. 1A-1C). The central plane contains an axis of the contour line and being a plane vertical to the table facet (Figs. 1A-1C). The straight central axis crosses vertically the table facet on the central plane (Fig. 1B). Each of at least seven pavilion main facets among the pavilion main facets is formed with opposite vertexes composed of a crossing point of each of the eight-dividing planes with the girdle and the bottom apex (Figs. 9 and 10). The eight-dividing planes are composed of the central plane, a plane containing another axis of the contour line of the girdle cross-section and the central axis and planes dividing an angle around the central axis between the plane containing the another axis

and the central axis and the central plane equally into two (Figs. 1A-1C). The table facet has two opposite vertexes on the central plane and six vertexes symmetrical with respect to the central plane (Figs. 1A-1C). The crown has eight tetragonal crown main facets (14), eight triangular star facets (15) and sixteen upper girdle facets (16) on a diamond circumference between the girdle upper ridge and the table facet. Each of the crown main facets is a tetragon having two opposite vertexes composed of a point, at which each of the eight-dividing planes crosses the girdle upper ridge and each vertex of the table facet, and other vertexes each owned jointly with each of two other crown main facets neighboring on the crown main facet (Fig. 1A). Each of the star facets is a triangle having a bottom side coinciding with each side of the table facet and an opposite vertex coinciding with each of the other vertexes jointly owned by two neighboring crown main facets each having a vertex at each end of the bottom side (Fig. 1A). Each of the upper girdle facets is a triangle or an oval sector having a bottom side coinciding with a side, whose end is on the girdle upper ridge, among sides of the crown main facets and a vertex on the girdle upper ridge (Figs. 1A). The pavilion has a bottom apex (13) at a lower end of the central axis and eight pavilion main facets (17) and sixteen lower girdle facets (18) on the diamond perimeter between the bottom apex and the girdle lower ridge (Fig. 1C). Each of the pavilion main facets is a tetragon or a part of a tetragon extending from the bottom apex toward a crossing point of each of the eight-dividing planes with the girdle lower ridge on the diamond perimeter between the bottom apex and the girdle lower ridge, and having a side, whose end coincides with the bottom apex, jointly owned with each of two other pavilion main facets neighboring on

the pavilion main facet (Fig. 1C). Each of at least seven pavilion main facets among the pavilion main facets is formed with opposite vertexes composed of a crossing point of each of the eight-dividing planes with the girdle and the bottom apex (Fig. 1B and 1C). Each of the lower girdle facets formed between the pavilion main facets and the girdle lower ridge is a triangle or an oval sector having a bottom side coinciding with a side having an end on the girdle lower ridge among sides of each of the pavilion main facets and a vertex on the girdle lower ridge (Figs. 1B and 1C). Each of the lower girdle facets is disposed on each of both sides of each of the pavilion main facets (Figs. 1A and 1C). Each pair of four pairs of pavilion main facets, of which each pair is composed of two pavilion main facets positioned opposite to each other with respect to the central axis, has two crown main facets facing the two pavilion main facets through the girdle, and the two pavilion main facets, the two crown main facets and the table facet have a common plane vertical to all of them within them (Figs. 1B). The pavilion angle p to the table facet each of the pavilion main facets has and a crown angle to the table facet each of the crown main facets has are in a region surrounded by lines connecting points, “p, c”, on a graph drawn with pavilion angles ,p, in a vertical line and crown angles, c, in a horizontal line. The graph serves to show a region of the pavilion angle p and the crown angle c that enhances the amount of effective visual-perceptible reflection rays (Paragraph 0074 and 0158). Therefore, it would have been obvious to one having ordinary skill in the art at time the invention was made to have the pavilion angle p to the table facet each of the pavilion main facets has and a crown angle to the table facet each of the crown main facets has are in a region surrounded by lines

connecting points, “p, c”, on a graph drawn with pavilion angles ,p, in a vertical line and crown angles, c, in a horizontal line as taught by Kawabuchi et al. in the diamond disclosed by Itzkowitz and modified by Kedem et al. Doing so, serves to show a region of the pavilion angle p and the crown angle c that enhances the amount of effective visual-perceptible reflection rays. With respect to the specific angle that are being claimed, it would have been obvious to one having ordinary skill in the art at the time the invention was made to have the points “p, c”: (43 degrees, 10 degrees), (41 degrees, 14 degrees), (37 degrees, 23 degrees), (35 degrees, 33 degrees), (35 degrees, 36 degrees), (37 degrees, 42 degrees), (39 degrees, 42 degrees), (41 degrees, 36 degrees), (43 degrees, 24 degrees) and (44.7 degrees, 9 degrees) on the graph since it is extremely old, well known, readily apparent and profoundly obvious to change the size, shape, orientation, **angles**, percentages, and create ranges for facets and the gemstone in its entirely as to merely alter the aesthetics of said gemstone for the corresponding and resulting properties including brilliance, radiance, etc. for the utility of mere user preference. It is also extremely well known that altering said features will produce different properties radiating from said gemstone, depending on the changes and alterations made. Therein, once again, lies the pertinence behind such, as no unexpected result, viewed by one skilled in the art; will occur, with any of the above possible changes or alterations to any given gemstone.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Goldberg (US D459,268 S), Fuchs (US 6,591,827 B2), Tolkowsky (US D 500,700S), Reimer (US 2005/0081563 A1) and Schachter et al. (US 6,892,720 B2) are cited to show state of the art with respect to oval-cut diamonds that have some of the features being claimed by the current application.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ruth C Rodriguez whose telephone number is (571) 272-7070. The examiner can normally be reached on M-F 07:15 - 15:45.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Victor D. Batson can be reached on (571) 272-6987.

Submissions of your responses by facsimile transmission are encouraged. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300. Recognizing the fact that reducing cycle time in the processing and examination of patent applications will effectively increase the patent's term, it is to your benefit to submit responses by facsimile transmission whenever permissible. Such submission will place the response directly in our examining group's hands and will eliminate Post Office processing and delivery time as well as PTO's mailroom processing and delivery time. For a complete list of correspondence **not** permitted by facsimile transmission, see MPEP § 502.01. In general, most responses and/or

amendments not requiring a fee, as well as those requiring a fee but charging such fee to a deposit account, can be submitted by facsimile transmission. Responses requiring a fee that the applicant is paying by check **should not be** submitted by facsimile transmission separately from the check.

Responses submitted by facsimile transmission should include a Certificate of Transmission (MPEP § 512). The following is an example of the format the certification might take:

> I hereby certify that this correspondence is being facsimile transmitted to the Patent and Trademark Office (Fax No. (571) 273-8300) on __(Date)__.
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> _____
>
> (Signature)

If your response is submitted by facsimile transmission, you are hereby reminded that the original should be retained as evidence of authenticity (37 CFR 1.4 and MPEP § 502.02). Please do not separately mail the original or another copy unless required by the Patent and Trademark Office. Submission of the original response or a follow-up copy of the response has been transmitted by facsimile will cause further unnecessary delays in the processing of your application, duplicate responses where fees are charged to a deposit account may result in those fees being charged twice.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (571) 272-6640.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

/RCR/
Ruth C. Rodriguez
Patent Examiner
Art Unit 3677

rcr
March 4, 2009

/Robert J. Sandy/
Primary Examiner, Art Unit 3677